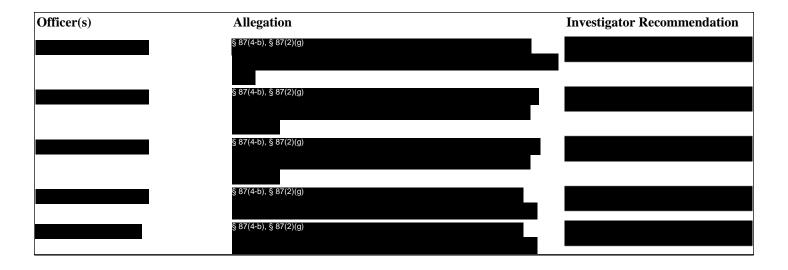
CCRB INVESTIGATIVE RECOMMENDATION

Investigator:	Те	am:	CCRB Case #:		Force	✓ Discourt.	U.S.
Isaac Forman	Sq	uad #1	201901103		Abuse	O.L.	☐ Injury
Incident Data(s)	T.o.	cation of Incident		Des	ecinct:	18 Mo. SOL	EO SOL
Incident Date(s)		cation of incident	:	Pr			
Wednesday, 01/30/2019 12:20			ly Gyrb	<u> </u>	48	7/30/2020	3/16/2021
Date/Time CV Reported		Reported At:	How CV Reporte			e Received at CCI	
Wed, 01/30/2019 12:42 AM	IA	В	Phone		Wed, 02/0	06/2019 11:06 AN	М
Complainant/Victim	Type	Home Add	lress				
Witness(es)		Home Add	lress				
Subject Officer(s)	Shield	TaxID	Command				
1. POM Jordan Moses	24160	963174	048 PCT				
2. POM Rafael Santos	04863	964754	048 PCT				
3. POM David Ramirez	25053	962711	048 PCT				
4. POF Kimberly Rose	20482	963245	048 PCT				
Officer(s)	Allegation				Inve	estigator Recon	nmendation
A.POM Rafael Santos	Abuse: At § 8			e Bron	х,		
	Police Office § 87(2)(b)	er Rafael Santos st was an occup	topped the vehicle in	which			
B.POM Jordan Moses	Abuse: At § 8	_		e Bron	х.		
212 0112 0114411 1120000	Police Office	er Jordan Moses m	nade a sexually sugge		,		
G POM A LA M	gesture towa			ъ			
C.POM Jordan Moses	Abuse: At §8 Police Office	er Jordan Moses m	in th nade a sexually sugge	e Bron	х,		
	remark to § 87	7(2)(b)	,				
D.POM David Ramirez	Discourtesy:			in the			
	to § 87(2)(b)	e Officer David R	amirez spoke discour	rteousi	y 		
E.POM David Ramirez	Abuse: At § 8	7(2)(b)	in th	e Bron	х,		
	Police Office with the use	er David Ramirez	threatened § 87(2)(b)				
F.POM David Ramirez	Abuse: At § 8		in th	e Bron	х.		
	Police Office	er David Ramirez	refused to provide hi				
C POM De l'1 Dessire	§ 87(2)(b)	7(2)(h)	1 n 41s	. D			
G.POM David Ramirez	Abuse: At § 8 Police Office	er David Ramirez	in th refused to provide hi	e Bron s shield			
	number to § 8	7(2)(b)	-				
H.POM Rafael Santos	Abuse: Over threatened § 8	the phone, Police	Officer Rafael Santo ith the use of force.	OS			
	§ 87(4-b), § 87(2)(g		ini nie use of force.				



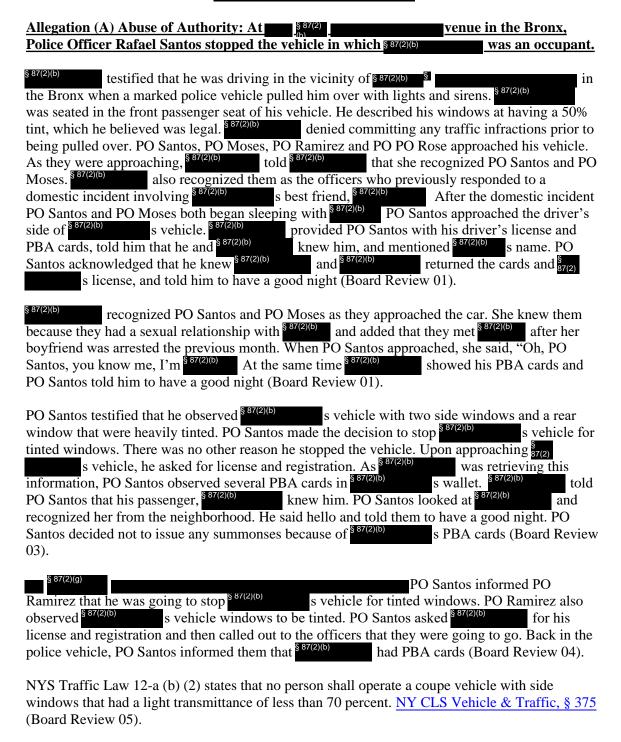
Case Summary On January 30, 2019, § 87(2)(b) called the IAB Command Center and filed this complaint. Original Log #2019-4265 was generated and was received at the CCRB on February 6, 2019. On January 30, 2019, at approximately 12:20am, §87(2)(b) was driving with his girlfriend. when he was stopped by PO Rafael Santos, PO Jordan Moses, PO David Ramirez, and PO Kimberly Rose, who were assigned to the 48th Precinct (Allegation A: Abuse of Authority-§87(2)(9)). After a brief interaction, the officers returned to their vehicle without issuing any summonses. PO Santos, the driver, then allegedly swerved in front of \$87(2)(b) vehicle and PO Moses then allegedly winked and waved at \$87(2)(b) and stated, "she does look good" in regard to § 87(2)(b) (Allegations B and C: Abuse of Authority-). PO Ramirez approached § 87 near his vehicle and allegedly used profanity and threatened to strike \$87(2)(b) (Allegations D and E: Discourtesy and Abuse of Authority-§87(2)(g) then asked PO Ramirez for his name and shield number and PO Ramirez allegedly stated, "you don't need to know my name. I just told you I wanted to fight," and covered his shield and nameplate with his hand (Allegations F and G: Abuse of Authority § 87(2)(9) reentered his vehicle and left the location. The following day, PO Santos allegedly called § 87(2)(b) via Facetime from a mutual acquaintance's phone and informed her that §87(2)(b) was lucky she was present the night prior or the officers would have shot §87(2)(b) (Allegation H: Abuse of Authority-§ 87(4-b), § 87(2)(g) stated that he was familiar with PO Santos and PO Moses because a few months before the incident, both officers had sexual relations with [87(2)(b)] s friend, after PO Santos and PO Moses arrested § 87(2)(b) s boyfriend for domestic violence. The allegations were addressed in § 87(2)(b) and closed as Alleged Victim Unavailable. § 87(2) CCRB case numbers § 87(2)(b) also involve PO Ramirez and PO Santos and are discussed further below. An Executive Director's Critical Incident Report (EDCIR) was prepared regarding these series of

No video footage of this incident was identified.

complaints against these officers(Board Review 14).

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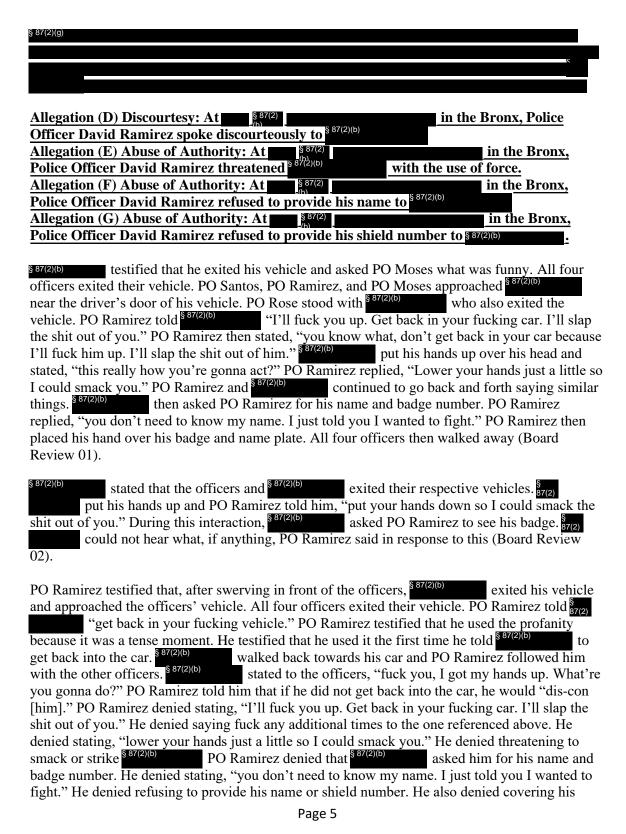
Findings and Recommendations



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§ 87(2)(g)
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Allegation (B) Abuse of Authority: At in the Bronx,
Police Officer Jordan Moses made a sexually suggestive gesture towards \$87(2)(b)
Allegation (C) Abuse of Authority: At in the Bronx,
Police Officer Jordan Moses made a sexually suggestive remark to \$87(2)(b)
(\$ 0.7/Q\/_\)
He testified that after the officers reentered their vehicle, PO Santos cut in front of vehicle and angled towards the sidewalk. PO Moses, who was seated in the rear driver's side seat, rolled his window down. In his complaint to IAB, alleged that PO Moses smiled and waved at vehicle as if to say, "oh, you're with your boyfriend." He did not believe that it was simply a friendly wave since they were familiar with one another. During his CCRB testimony, alleged that PO Moses waved and winked at vehicle and nodded at the other officers while appearing to say, "she does look good." testified that he did not hear PO Moses make this statement but read his lips (Board Review 01).
stated that after a brief interaction, the officers returned to their vehicles. They then drove a few feet forward and cut off \$87(2)(b) s vehicle. PO Moses then rolled his window down and stated, "have a good night \$87(2)(b) \$87(2)(b) described PO Moses as having a smirk on his face, as if he was trying to be funny (Board Review 02).
PO Moses testified that during the initial vehicle stop, he barely made it out of the police vehicle before PO Santos had turned and was walking away from \$\frac{87(2)(0)}{2}\$ s vehicle. At that point PO Moses reentered the rear driver's side of the vehicle. Up to this point, he had not seen \$\frac{87(2)(0)}{2}\$ drove in front of them, cutting them off. PO Moses denied waving or winking at \$\frac{87(2)(0)}{2}\$ He also denied stating, "she does look good," or anything else about or to \$\frac{87(2)(0)}{2}\$ (Board Review 06). All of the officers interviewed consistently testified that following the initial stop, and for no apparent reason, \$\frac{87(2)(0)}{2}\$ drove in front of the police vehicle, cutting them off. None of the officers interviewed heard PO Moses make any statements regarding \$\frac{87(2)(0)}{2}\$ or saw him
wink or wave at her (Board Review 03, 04, and 07).
These allegations were pleaded as sexually suggestive gestures and remarks because it is reasonable to perceive winking and waving at \$87(2)(b) while commenting on her appearance, especially within the context of how PO Moses was familiar with \$87(2)(b) was sexual in nature.
§ 87(2)(g)

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shield and name plate with his hand. PO Ramirez testified that \$87(2)(b) reentered his vehicle and drove away (Board Review 01). PO Santos testified that after § 87(2)(b) exited his vehicle, all four officers exited their vehicle. PO Santos denied hearing PO Ramirez make any of the alleged statements but believed that he did say "fuck," while telling § 87(2)(b) to get back into his vehicle (Board Review 03). Neither PO Rose nor PO Moses testified to hearing PO Ramirez make any of the alleged statements nor use any profanity. Both denied hearing PO Ramirez refuse to provide his name or shield number and did not see PO Ramirez cover his shield with his hand (Board Review 06 and 07). Where an officer uses an otherwise discourteous word during a stressful encounter where that officer is attempting to maintain control of the situation, that act does not rise to the level of actionable misconduct. NYPD Disciplinary Case No. 79627/04 (Board Review 08). Allegation (H) Abuse of Authority: Over the phone, Police Officer Rafael Santos threatened with the use of force. testified that, the following day, he was informed by \$87(2)(b) had called her via video chat on a mutual friend's phone. During that call, PO Santos told (70) that § 87(2)(b) had been lucky that she was there, or the officers would have shot him (Board Review 01). stated that the following day, at approximately 8:00am, PO Santos called her via Facetime, from §87(2)(b) s phone. PO Santos stated, in regard to §87(2)(b) "if that was anyone else, he would've gotten shot" (Board Review 02). did not respond to contact attempts made by the investigation. PO Santos testified that, the following day, he spoke to [887(2)(b)] via Facetime from a mutual friend's, identified by the investigation as §87(2)(b) phone. He could not recall the specifics of the conversation but believed that the prior night's incident was discussed. He denied telling Page 6

§ 87(2)(b) t]	hat \$87(2)(b) was lucky she was there or he would have been shot (Board Review
None of th	ne other officers interviewed were aware of any communication between any officer and after this incident (Board Review 04, 06, and 07).
§ 87(2)(g)	
§ 87(4-b), § 87(2)	
2 07/4 b) 2 07/2)	
§ 87(4-b), § 87(2)	
§ 87(4-b), § 87(2)	o(g)

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§ 87(4-b), § 87(2)(g)	

Civilian and Officer CCRB Histories

- This is the first complaint to which \$\frac{\$87(2)(b)}{\$}\$ has been a party (Board Review 11).
- This is the first complaint to which § 87(2)(b) has been a party (Board Review 11).
- PO Moses has been a member-of-service for two years and has been a subject in one other CCRB complaint and one other allegation. It was alleged in 201905179 that PO Moses had sexual relations with the victim of domestic violence that he met as a result of his involvement with arresting the perpetrator. That case was closed as alleged victim unavailable.
- PO Santos has been a member-of-service for one year and has been a subject in four other CCRB complaints and 10 other allegations. It was alleged in 201905179 that PO Santos had sexual relations with the victim of domestic violence that he met as a result of his involvement with arresting the perpetrator. That case was closed as alleged victim unavailable. 201809895 (assigned to Panel 11A-2019), 201901824 (assigned to Panel 11A-2019), and 201902570 remain open and are discussed below.
- PO Ramirez has been a member-of-service for two years and has been a subject in eight additional CCRB complaints and 24 allegations. 201801146 was closed pending litigation. 201809895, 201900416, 201900868 (assigned to Panel 11A-2019), 201901824, 201902570, 201904950 (assigned to Panel 11A-2019), and 201906210 remain open and are discussed below.
- There are several CCRB complaints against PO Ramirez and PO Santos, unrelated to the incidents involving sa7(2)(b) and sa7(2)(b) and sa7(2)(b) for alleged unprofessional and inappropriate behavior. In CCRB case 201809895, conducted a car stop of during which they made comments about sa7(2)(b) s "ass" and

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and PO Santos enc at the location. PO stated was "a hug, speaker of the RM CCRB case 20190 the street, and told video. In CCRB ca traffic court. In CC during a car stop c force against \$87(2)(6) Ramirez responded hospital and call A hands to	countered \$87(2)(b) Ramirez told \$87(2)(a) Ramirez told \$87(2) Ramirez told \$87(2)(b)	that he had a Christman s." PO Ramirez then told soves you." These statements we zand PO Santos drove by bro," over the loud speaker, on the statements were allegedly blew a key sound provided by sound provided to the statement of the statement	d him he could not park signed by \$87(2)(b) to the ea heart shape with his
	Mediation, Ci	ivil and Criminal Histories	
•	or Notices of Claim of the Comptroller ile upon receipt.	ble for mediation. In in regards to this incident we can July 2, 2019. The results as no history of convictions in	of this inquiry will be
Squad No.: 1	_		
Investigator:Sig	gnature	Print Title & Name	Date
Squad Leader:			
Sig	gnature	Print Title & Name	Date

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Reviewer:			
	Signature	Print Title & Name	Date

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